

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION



BRIAN SCHWEITZER  
GOVERNOR

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PO BOX 201601  
HELENA, MONTANA 59620-1601

EA / Notice of Decision Distribution List

May 10, 2007

TO: Governor's Office, Bruce Nelson, Rm. 204, State Capitol, P.O. Box 200801, Helena, MT 59620-0801  
Environmental Quality Council, Capitol Building, Room 106, P.O. Box 201704, Helena, MT 59620  
MT Dept. Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901  
MT Dept. of Natural Resources and Conservation, US F&G Bldg. 1625 11<sup>th</sup> Ave. Helena, MT 59620  
Director's Office  
Information Services Section  
Water Resources Division, 1424 9<sup>th</sup> Ave., P.O. Box 201601, Helena, MT 59620-1601  
Jan Langel, Helena Regional Office, 1424 9<sup>th</sup> Ave. P.O. Box 201601, Helena, MT 59620-1601  
MT Dept. of Fish, Wildlife & Parks, 1420 E. 6<sup>th</sup> Ave. Helena, MT 59620  
Director's Office  
Gary Bertellotti, Regional Supervisor, FWP R4, 4600 Giant Springs Rd. PO Box 6610, Great Falls, MT 59230  
Brent N. Lonner, Wildlife Biologist, FWP R4, Freezeout Lake Office, P.O. Box 488, Fairfield, MT 58536  
Mike Madel, Wildlife Biologist, FWP Region 4, RR2 Box 225, Choteau, MT 59422  
Dave Yerk, Fisheries Biologist, FWP Region 4, P.O. Box 733, Choteau, MT 59422  
MT State Parks Association, P.O. Box 699, Billings, MT 59103  
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620  
Dick Artz, Nilan Water Users Association, Eberl Ln. P.O. Box 262, Augusta, MT 59410  
Montana Environmental Information Center, POB 1184, Helena, MT 59624  
Montana Audubon Council, P.O. Box 924, Helena, MT 59624  
Lewis & Clark County Commissioners, 316 N. Park Ave. Helena, MT 59601  
Wildlife Federation, P.O. Box 1175, Helena, MT 59624  
Trout Unlimited, P.O. Box 7186, Missoula, MT 59807  
U.S. Army Corps of Engineers, 10 West 15<sup>th</sup> St., Suite 2200, Helena, MT 59626  
U.S. Fish and Wildlife Service, MT Field Office, 100 N. Park, Suite 320, Helena, MT 59601

Ladies and Gentlemen:

The enclosed Finding of No Significant Impact / Decision Notice has been prepared for the Nilan North Dam Outlet Repair Project. Please feel free to contact James P. Domino at (406) 444-6622 (e-mail [jd domino@state.mt.us](mailto:jd domino@state.mt.us)) should you have any questions about the Finding of No Significant Impact / Decision Notice or the Final EA. Copies of the Final EA are also available upon request. The Final EA can be viewed on the DNRC website at [www.dnrc.state.mt.us](http://www.dnrc.state.mt.us). Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "John Tubbs".

John Tubbs  
Division Administrator  
Water Resources Division

FINDING OF NO SIGNIFICANT IMPACT-  
NOTICE OF DECISION

May 10, 2007

Dear Reader:

The Montana Department of Natural Resources and Conservation (DNRC) released a draft Environmental Assessment (EA) on April 9<sup>th</sup>, 2007 on the Nilan North Dam Outlet Repair Project. Nilan North Dam is located 6 miles west of Augusta, Montana in Lewis & Clark County. The dam is owned by the Montana Department of Natural Resources and Conservation. The dam, one of two on the reservoir, is an earthfill structure constructed in 1951 and is classified as high hazard, which means there may be loss of life if the dam were to fail. The North Dam has a length of 530, a crest width of 20 feet and is 54 feet high. The reservoir can store approximately 10,000-acre feet of water at full pool. The Nilan Water Users Association is responsible for the operation and maintenance of the dam. Agricultural irrigation is the Nilan Project's main use. The site is also a popular recreation area, with fishing the primary attraction.

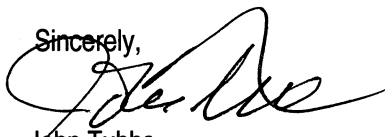
The repair work includes replacing the outlet structure and installing filters and drains at the outlet terminal structure to control and collect seepage. The outlet structure at the North Dam is structurally in very poor condition and has deteriorated to the point that additional small repairs and patching are not economical or feasible. The accelerating deterioration is the result of continuous freeze-thaw damage, severe cracking and age. There is also a considerable amount of seepage that exits in the location of the outlet. Uncontrolled seepage along the side of the conduit could cause material to be removed from the dam embankment and potentially cause failure of the dam. The drain installation would encircle the end of the conduit to safely discharge this seepage water. With regards to environmental issues, the construction will involve minimal or no impacts to reservoir operations, water quality and quantity, recreational and fisheries resources as all the work will be performed on the terminal structure (downstream side) of the outlet. Access and site preparation will simply involve closing the gate during construction. The area around the outlet and the North Dam Outlet Canal would be dry for the duration of the project. The Montana Department of Environmental Quality, Montana Department of Fish, Wildlife and Parks, Montana Natural Heritage Program, U.S. Army Corps of Engineers and the State Historic Preservation Office were consulted as part of the draft EA process.

The public comment period closed on Tuesday, May 8, 2007, with no comments received. Based on the EA's disclosure and analysis of potential impacts, the DNRC concludes that the proposed action will not result in any significant impacts. The DNRC will adopt the draft EA as the final EA and proceed with the project as planned. Copies of the Final EA are available upon request. The Final EA can also be viewed on the DNRC website at [www.dnrc.mt.gov](http://www.dnrc.mt.gov) in the Environmental Documents section. Please direct any questions to:

James P. Domino, MT DNRC  
State Water Projects Bureau  
1424 9th Ave., P.O. Box 201601  
Helena, MT 59620-1601  
(406) 444-6622, e-mail: [jdomino@mt.gov](mailto:jdomino@mt.gov)

Thank you for your interest.

Sincerely,



John Tubbs  
Division Administrator  
Water Resources Division